



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing Regarding Weed Abatement Proceedings Involving Various Parcels Within the City of Lodi to Allow Property Owners Having Objections to the Proposed Removal of Weeds to be Heard and Given Due Consideration

MEETING DATE: March 20, 1996

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That following the public hearing and receipt of public testimony, the City Council adopt the attached resolution overruling objections and proceeding with weed abatement.

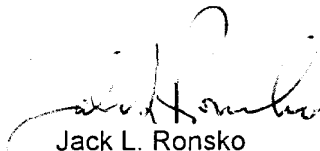
BACKGROUND INFORMATION: At the City Council meeting of February 7, 1996, the Lodi City Council adopted Resolution No. 96-08 declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City.

Pursuant to State of California Government Code Section 39500 et seq., a Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt was published and mailed under Declaration of Mailing to each of the involved property owners. The purpose of this public hearing is for property owners having any objections to the proposed abatement to be heard and given due consideration.

None of the properties listed on the attached Exhibit A have been abated of tumbleweeds since the adoption of Resolution No. 96-08.

Following the public hearing and receipt of public testimony regarding the matter, it would be in order for the Council to adopt the attached resolution overruling objections and proceeding with abatement.

FUNDING: None required.


Jack L. Ronsko
Public Works Director

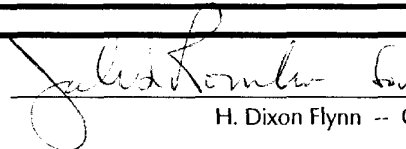
Prepared by Sharon Blaufus, Administrative Assistant

JLR/SB/lm

Attachments

cc: City Attorney
Street Superintendent

APPROVED:


H. Dixon Flynn -- City Manager

PARCELS WITH EXISTING TUMBLEWEEDS

Owner's Name/Address	APN #	Situs Address
John Donovan P.O. Box 456 Lodi, CA 95241	049-170-22 049-170-21	804 Black Diamond Way 810 Black Diamond Way
Koenig Von Stark Investment 3900 McHenry Avenue Modesto, CA 95356	062-410-20	139 East Harney Lane
Anastasios Pappous 5395 Entrada Olmos San Jose, CA 95123	062-410-18	2507 Maggio Circle
Thomas Luckey Construction, Inc. P.O. Box 7428 Stockton, CA 95207	058-160-29	1812 West Kettleman Lane

RESOLUTION NO. 96-23

A RESOLUTION OVERRULING OBJECTIONS AND PROCEEDING WITH
ABATEMENT BEFORE THE CITY COUNCIL OF THE CITY OF LODI
IN THE MATTER OF WEED ABATEMENT PROCEEDINGS

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Overruling Objections and
Determining to Proceed with
Abatement

RESOLUTION No. 96-23

The City Council adopted Resolution No. 96-08 on February 7, 1996, which by its terms the Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City; and

A public hearing was held on March 20, 1996 and no objections to the proposed removal of weeds, rubbish, refuse and dirt were made or presented either in writing or orally;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

(1) On February 7, 1996, the City Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon the streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City, all as more particularly described in Resolution No. 96-08, adopted February 7, 1996.

(2) The Council fixed March 20, 1996 at the hour of 7:00 o'clock p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, as the time and place for hearing all objections to the proposal of removal of weeds, rubbish, refuse and dirt, and the Director of Public Works was designated as the person to perform the duties imposed by Government Code Section 39560-39588 upon the Superintendent, and he did prepare notices to destroy weeds and remove rubbish, refuse and dirt and did in the time and manner prescribed by law; the City did mail written notice of the proposed abatement to all persons owning property described in Resolution No. 96-08 in the time, form and manner prescribed by law.

(3) The City Council did hold a public hearing on March 20, 1996, and no objections, either written or oral to the proposed removal of weeds, rubbish, refuse and dirt were presented and the hearing was closed on March 20, 1996.

(4) The Superintendent is ordered to abate the nuisance declared by Resolution No. 96-08 by having the weeds, rubbish, refuse and dirt removed and for this purpose, on

those parcels shown on the attached exhibit (Exhibit A), the Superintendent may enter upon private property to abate the nuisance. Before the Superintendent arrives, any property owner may remove the weeds, rubbish, refuse and dirt at his/her own expense.

(5) The Superintendent or the contractor awarded the work, as the case may be, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done and shall submit to the Council for consideration, hearing of objections, modification and confirmation, an itemized written report showing this cost, all as more particularly prescribed by Government Code Section 39574.


Adopted by the City Council of the City of Lodi on March 20, 1996 by the following vote:

AYES: COUNCIL MEMBERS - Davenport, Mann, Pennino, Sieglock
and Warner (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


JENNIFER M. PERRIN
City Clerk

PARCELS WITH EXISTING TUMBLEWEEDS

Owner's Name/Address	APN #	Situs Address
John Donovan P.O. Box 456 Lodi, CA 95241	049-170-22 049-170-21	804 Black Diamond Way 810 Black Diamond Way
Koenig Von Stark Investment 3900 McHenry Avenue Modesto, CA 95356	062-410-20	139 East Harney Lane
Anastasios Pappous 5395 Entrada Olmos San Jose, CA 95123	062-410-18	2507 Maggio Circle
Thomas Luckey Construction, Inc. P.O. Box 7428 Stockton, CA 95207	058-160-29	1812 West Kettleman Lane



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 20, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, March 20, 1996, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City.

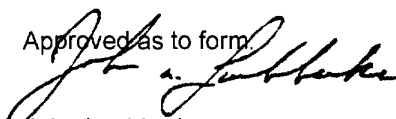
All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: February 7, 1996

Approved as to form

John Luebberke
City Attorney



DECLARATION OF MAILING

Public Hearing - Declaring Weeds a Public Nuisance

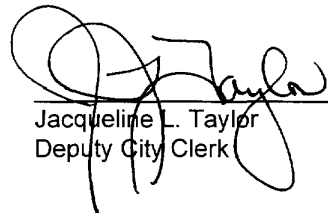
On February 8, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 8, 1996, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Taylor
Deputy City Clerk

MAILING LIST

PARCELS WITH EXISTING TUMBLEWEEDS

Owner's Name/Address	APN #	Situs Address
John Donovan P.O. Box 456 Lodi, CA 95241	049-170-22 049-170-21	804 Black Diamond Way 810 Black Diamond Way
Koenig Von Stark Investment 3900 McHenry Avenue Modesto, CA 95356	062-410-20	139 East Harney Lane
Anastasios Pappous 5395 Entrada Olmos San Jose, CA 95123	062-410-18	2507 Maggio Circle
Thomas Luckey Construction, Inc. P.O. Box 7428 Stockton, CA 95207	058-160-29	1812 West Kettleman Lane



DECLARATION OF MAILING

Public Hearing - Declaring Weeds a Public Nuisance

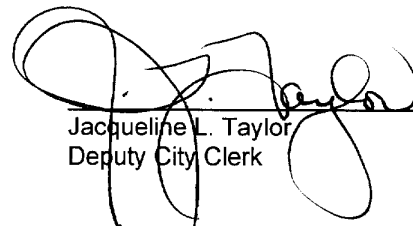
On February 13, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 1996, at Lodi, California.

Jennifer M. Perrin
City Clerk

A handwritten signature in black ink, appearing to read "Jacqueline L. Taylor", is written over a horizontal line.

Jacqueline L. Taylor
Deputy City Clerk

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND DIRT

February 13, 1996

Thomas Luckey Construction, Inc.
P. O. Box 7428
Stockton, CA 95207

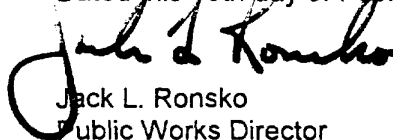
SUBJECT: 1812 West Kettleman Lane, APN 058-160-29

Notice is hereby given that on the 7th day of February 1996, the City Council of the City of Lodi passed a resolution (Resolution No. 96-08) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.


As of the above date, your parcel contained an excessive amount of tumbleweeds. If you have any questions concerning this notice, please contact the Street Superintendent, George Bradley, at (209) 333-6740.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 305 West Pine Street, Lodi, California, on March 20, 1996, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 13th day of February 1996


Jack L. Ronsko
Public Works Director

By Order of the Lodi City Council


Jennifer M. Perrin
City Clerk

cc: Street Superintendent

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
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City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND DIRT

February 13, 1996

Anastasios Pappous
5395 Entrada Olmos
San Jose, CA 95123

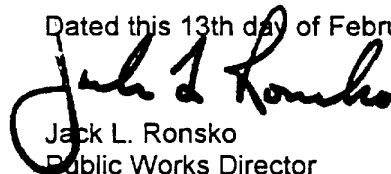
SUBJECT: 2507 Maggio Circle, APN 062-410-18

Notice is hereby given that on the 7th day of February 1996, the City Council of the City of Lodi passed a resolution (Resolution No. 96-08) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

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Dated this 13th day of February 1996



Jack L. Ronsko
Public Works Director

By Order of the Lodi City Council



Jennifer M. Perrin
City Clerk

cc: Street Superintendent

CITY COUNCIL

DAVID P. WARNER, Mayor
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CITY OF LODI

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RANDALL A. HAYS
City Attorney

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND DIRT

February 13, 1996

Koenig Von Stark Investment
3900 McHenry Avenue
Modesto, CA 95356

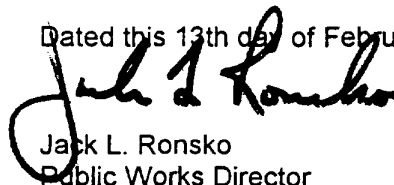
SUBJECT: 139 East Harney Lane, APN 062-410-20

Notice is hereby given that on the 7th day of February 1996, the City Council of the City of Lodi passed a resolution (Resolution No. 96-08) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

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Jack L. Ronsko
Public Works Director

By Order of the Lodi City Council



Jennifer M. Perrin
City Clerk

cc: Street Superintendent